IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2121 OF 2007

Rajendra Gupta @ R.J. Gupta. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.Jha, Adv. i/b. M/s. Law Global, for the Applicant.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 29th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant has been convicted under Section 138 of N.I.Act by the learned M.M. 30th Court, Kurla, Mumbai by judgment and order dated 25.5.2005 in C.C. No.572/S/2003. By the said judgment and order, the learned Magistrate sentenced the applicant to suffer S.I. for one year. Being aggrieved thereby, the applicant preferred Criminal Appeal No.288 of 2005. The said appeal came to be dismissed by the learned Sessions Judge by judgment and order dated

27.6.2007.

3. Mr.Jha, the learned Advocate for the applicant states that Revision challenging the order of the learned Sessions Judge dated 27.6.2007 could not be filed as the copy of the judgment and order was not made available to the applicant-orig.accused. It is stated that the applicant has been taken into custody. It is further stated that the applicant has a good case on merit, hence the applicant may be released on bail.

4. It is seen that the cheque amount is Rs.3 lakhs. Out of the said amount, Rs.50,000/- has already been deposited by the applicant before the Sessions Court. Mr.Jha, on instructions, states that the applicant will deposit another amount of Rs.50,000/- before this Court without prejudice to his right and contentions in the Revision.

5. In this view of the matter, I am inclined to grant temporary bail to the applicant for a period of one month from today.

6. The applicant - Rajendra Gupta @ R.J. Gupta to be released on temporary bail on cash deposit of Rs.5,000/- in the trial court, for a period of one month from today. It is made clear that the temporary bail for a period of one month is granted to the applicant only on a condition of depositing Rs.50,000/- before this Court on or before 24th July, 2007. In the meantime, the applicant may file Revision and separate application for regular bail.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)